

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

<b>MATTHEW PARR; C.C.H., A MINOR; and A.V.H., A MINOR</b>	§ § § § § §	<b>PLAINTIFFS</b>
<b>VERSUS</b>		
<b>MISSISSIPPI DEPARTMENT OF HUMAN SERVICES; et al.</b>		<b>CAUSE NO. 1:09cv366-LG-RHW</b>  <b>DEFENDANTS</b>

**ORDER DENYING THE SCHOOL  
DISTRICT AND MULLINS’S MOTIONS TO DISMISS**

BEFORE THE COURT are Defendants Harrison County School District and Elmer Mullins in his official capacity as principal of D’Iberville High School and agent or employee of the Harrison County School District’s Motion to Dismiss [18] and Amended Motion to Dismiss [47]. Plaintiff Matthew Parr, *pro se*, brought this action on behalf of himself and minors C.C.H. and A.V.H.<sup>1</sup>, under Section 1983 and state law, for claims arising out of a custody dispute. The School District and Mullins assert various affirmative defenses. The Court has considered the parties’ submissions and the relevant legal authority. The motions are denied.

“At the time the motion is served, other than motions or applications that may be heard *ex parte* or those involving necessitous or urgent matters, counsel for movant shall submit . . . a memorandum of authorities upon which counsel relies.” Unif. Local R. of the U.S. Dist. Cts. for the N. Dist. of Miss. & the S. Dist. of Miss. 7.2(D). Neither motion was filed with the required memorandum of authorities. Further, neither motion presented any argument as to why the movants were entitled to dismissal. Therefore, the Court finds that the motions should be denied.

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<sup>1</sup>The Court has since determined that Parr is unqualified to represent the minors *pro se*.

Because the Court is not taking an action adverse to the unrepresented minors' claims, their rights are adequately protected by this order, without the necessity of a guardian ad litem at this time. The Court incorporates the Rule 17 discussion in the Order entered contemporaneously on the Sheriff's Department's Motion to Dismiss.

**IT IS THEREFORE ORDERED AND ADJUDGED**, that for the reasons stated above, Defendant Harrison County School District and Elmer Mullins as Principal of D'Iberville High School and Agent or Employee of Harrison County School District's Motion to Dismiss [18] should be and is hereby **DENIED**.

**IT IS FURTHER ORDERED AND ADJUDGED**, that the School District and Mullins's Amended Motion to Dismiss [47] should be and is hereby **DENIED**.

**SO ORDERED AND ADJUDGED** this the 11<sup>th</sup> day of March, 2010.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE